

NORMAN STEINBERG,)
)
Movant,)
)
v.) No. 4:12CV1109 CEJ
)
UNITED STATES OF AMERICA,)
)
Respondent.)

This matter is before the Court on the motion of Norman Steinberg to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. Movant pled guilty to the offense of conspiracy to violate the wire wager act, 18 U.S.C. § 371. On December 16, 2010, the Court sentenced movant to three years of probation. Movant did not appeal the judgment.

In this motion under § 2255, movant challenges his detention and search conducted by immigration authorities in September 2011. Movant alleges that he was detained and searched at the Fort Lauderdale, Florida airport when he arrived there from his home in Costa Rica. Movant contends that the immigration officers singled him out because of his probation status. Movant claims that the search was illegal, because the conditions of his probation allowed him unrestricted travel outside Costa Rica and allowed for searches to be conducted only by a probation officer.

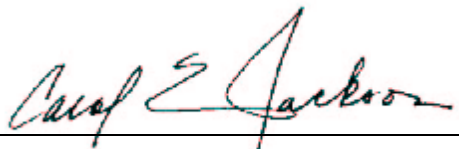
The terms of probation do not provide movant with immunity from searches by immigration authorities when entering the United States. The allegations he asserts here do not establish a cognizable claim under § 2255 proceedings. Even if the a cognizable claim were asserted, the motion would be barred by the one-year period of limitation set forth in 28 U.S.C. § 2255(f). Because movant's claim is frivolous, the motion will be dismissed pursuant to Rule 4 of the Rules Governing § 2255 Cases.

Finally, movant has failed to demonstrate that jurists of reason would find it debatable whether he is entitled to relief. Thus, the Court will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

Accordingly,

IT IS HEREBY ORDERED that movant's motion to vacate under § 2255 is **dismissed**.

Dated this 29th day of June, 2012.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE